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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

WU, JINGGE

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/734,920

Applicant(s)

HENRY, FELIX

Examiner

Jingge Wu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Applicants' response to the last Office Action, filed May 24, 2004 has been entered and made of record.
2. Applicants' amendment of claims 1, and 14 as well as claims depend from claims 1 and 14 has required new grounds of rejection. New grounds rejection are therefore presented in the Office Action.
3. Applicant's arguments with respect to claims 1 and 14 have been fully considered but are moot in view of the new ground(s) of rejection.

***Remarks***

4. Applicant's arguments with respect to claims 7 and 21 have been fully considered, but they are not persuasive.

a. Applicant argues that 1) in Office Action, Examiner indirectly admitted that the concept of "area of interest is not disclosed by Kurapati and cited language in page 4 of the Office Action to prove the assertion; and 2) "by the virtue of the features of Claim 7, an area of interest can be determined by a user, and can be situated at any position in the image."

However, in response to applicant's argument, Examiner would like to point out that claim language is given its broadest reasonable interpretation. The specification is not measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. *Ir re Sporck*, 55CCPA 743, 386 F. 2d 924, 155 USPQ 687 (1968). In the instant case, first, the language in the Office Action expressly mention Kurapati does not mention "avoiding the interest area between the partition area". There is no directly admitting nor indirectly admitting "the concept of area

of interest is not disclosed by Kurapati” as Applicant wrongly asserted. In contrast, Kurapati clearly show that an area of interest is displayed (see fig. 3A-3F, i.e., area 310 or 322 and 323 etc.) Second, the claim language calls for “determining at least on area of interest in the signal;...modifying the partitioning of signal according to the at least on area of interest and a predetermined criterion”. There is no limitation that “area of interest can be determined by a user and can be situated at any position in the image”, which does not disclosed in the claim. Thus, those limitations can not be read into the claims for the purpose of avoiding Kurapati.

Finally, Kurapati clearly shows that determining at least on area of interest (e.g. fig. 3A, 310) in the signal (col. 4 lines 1-11); determining an initial partitioning of the signal, including the partitioning area (figs. 3A and 3B, not that the initial partitions includes 310, 322, 341, 323, 321, 324, etc.); and modifying the partitioning of the signal according to the at least one area interest and a predetermined criterion (figs. 3A-3F, note that modifying the partitioning according to 310 and other areas showed clearly in figs. 3A-3C and the partitioning is also according to the criterion of “reprenting the resolution of the rendering in each region... smaller the cell the finer the resolution.” (col. 4 lines 1-46).

Therefore, the rejection under 35 USC 102 is proper.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application

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published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 7-10, 12, 21-24, 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6535644 to Kurapati.

As to claim 7, Kurapati discloses a method dividing a digital image representing physical quantities, comprising the steps of:

determining at least on area of interest (e.g. fig. 3A, 310) in the signal (col. 4 lines 1-11);

determining an initial partitioning of the signal, including the partitioning area (figs. 3A and 3B, note that the initial partitions includes 310, 322, 341, 323, 321, 324, etc.); and

modifying the partitioning of the signal according to the at least one area interest and a predetermined criterion (figs. 3A-3F, note that modifying the partitioning according to 310 and other areas showed clearly in figs. 3A-3C and the partitioning is also according to the criterion of "representing the resolution of the rendering in each region... smaller the cell the finer the resolution." (col. 4 lines 1-46).

As to claim 8, Kurapati further discloses the partitioning of the signal is modified so that the at least on area of interest is not shared between two partitioning areas (figs. 3A-3C, col. 4 lines 1-46, note that none of the interest of area 310, 321A-324A, etc, is overlapped (shared)).

As to claim 9, Kurapati further discloses the partitioning of the signal is modified so that the partition areas are the smallest possible (finest resolution of image) in order to satisfy the predetermined criterion (fig. 3A-3F, col. 4 line 1-col. 5 line 25).

As to claim 10, Kurapati further discloses partitioning the signal to blocks and the modification parameter is height and width of the block, which selected from a predetermined set partitions (fig. 3b-3f, col. 4 lines 12-col. 5 line 25).

As to claim 12, the elements are discussed in claim 9.

As to claims 21-24, 26, the claims are corresponding device claims to claims 7-10 and 12. The discussions are addressed with regard to the claims 7-10 and 12.

As to claim 27, Kurapati further discloses microprocessor, ROM and RAM (fig. 7 and 9, col.7-col. 9, not that those element are inherent because Kurapati has to have a microprocessor to execute the algorithm of fig. 7 and has to store the program in Rom and modified data in RAM in order to display, encode, and decode.)

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 11, 13-20, 25, 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurapati in view of US 6711299 to Chao et al.

As to claim 1, Kurapati discloses a method dividing a digital image, representing physical quantities, comprising the steps of:

determining an initial partition of the signal (fig. 3a, col. 4 lines 1-11, note that determining is inherent before the initial partition);

displaying a representation of signal and the previously determined signal partitioning at the same time (figs. 3B-3F or fig. 8A-8D, col. 4 lines 12-col. 5 line 25, col. 8 lines 21-col. 9 line 3, note that displaying different partitions at same time to the viewer);

controlling at least one partitioning modification through an intervention by a user (fig. 3b-3f, col. 4 lines 12-col. 5 line 25, the parameter is the finer resolution which is block's height and width as well as the level of resolution, note that the user can control further rendering as soon as he/she sees the desired resolution of image in area 310); and

modifying the partitioning the signal (fig. 3b-3f, col. 4 lines 12-col. 5 line 25).

Assuming, arguendo, Kurapati is not expressly mention acquiring the partitioning parameters through the intervention by a user, the limitation is well known in the art.

Chao, in an analogous environment, discloses acquiring at least one partitioning modification parameter through an intervention by a user (col. 27 line 47-col. 28 line 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Chao in the method of Kurapati in order to increase the compression speed and flexibility (Chao, col. 1 lines 35-col. 2 line 39).

As to claims 2 and 4, Kurapati further discloses partitioning the signal to blocks and the modification parameter is H and L of the block, which selected from a predetermined set partitions (fig. 3b-3f, col. 4 lines 12-col. 5 line 25).

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As to claim 5, Kurapati further discloses wavelet encoding and decoding in respect to the partition (fig. 9, col. 9).

As to claims 14-15, 17-18, the claims are corresponding device claims to claims 1-5. the discussions are addressed with regard to claims 1-2, 4-5.

As to claim 20, the discussion addressed with regard to claim 27.

As to claims 3, 6, 11, 16, 19, 22, 25, 32-33 Kurapati does not explicitly mention the limitations of translating the partitioning, emphasizing the distortion, avoiding the interest area between the partition area and portable storage such as floppy disk and CD-ROM.

Examiner takes Official Notice that those features are notoriously well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the features in the device of Kurapati in order to efficiently and accurately divide, encode, and decode the image.

As to claims 13, 28-31, the discussion are addressed with regard to claim 1, 7, 14, and 21 (inherency).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

**Jingge Wu**

**Primary Patent Examiner**

